

THIRD DAY

(Monday, February 20, 1950)

AFTER RECESS

The Senate met at 4:50 o'clock p.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Nokes
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Bell

Senator Jones delivered the invocation.

House Bill 2 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 2, Increasing the tax levied on cigarettes, effective until August 31st, 1957.

The bill was read second time.

Question—Shall the bill be passed to third reading?

Recess

On motion of Senator Hardeman, the Senate at 4:55 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

THIRD DAY

(Continued)

(Tuesday, February 21, 1950)

AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by the President pro tempore.

Leave of Absence Granted

Senator Morris was granted leave

of absence for today on account of important business on motion of Senator Lock.

House Resolutions on First Reading

The following resolutions, received from the House, were laid before the Senate, read and referred to the committees indicated:

H. C. R. 15, To the Committee on Civil Jurisprudence.

H. C. R. 11, To the Committee on Civil Jurisprudence.

H. C. R. 9, To the Committee on Civil Jurisprudence.

House Bill 2 on Passage to Third Reading

The President pro tempore laid before the Senate as pending business on its passage to third reading:

H. B. No. 2, Increasing the tax levied on cigarettes, effective until August 31st, 1957.

The bill having been read second time on yesterday.

Question—Shall the bill be passed to third reading?

Senator Aikin offered the following amendment to the bill:

Amend House Bill 2, page 8, Section II, line 23 by changing the period to a comma after the word "created" and adding the following: "... which is and shall be the same State Hospital Fund as provided for in House Bill 3 of the First Called Session of the 51st Legislature. . . ."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend House Bill No. 2, mimeographed copy, by striking out the words "of three-fourths ($\frac{3}{4}$)" in line 18 on page 7.

Senator McDonald moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—16

Aikin	Colson
Ashley	Cousins
Carney	Hardeman

Jones	Moore
Lane	Nokes
Lock	Shofner
McDonald	Strauss
Moffett	Tynan

Nays—13

Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Martin
Corbin	Phillips
Harris	Proffer
Hazlewood	Vick
Hudson	

Absent

Weinert

Absent—Excused

Morris

Senator Martin offered the following amendment to the bill:

Amend House Bill No. 2, mimeographed copy, by striking out the quotation marks at the end of line 19, page 20 and adding thereafter the following: "Authorized licensed cigarette distributors using the tax meter stamps shall receive meter settings at a discount of two per cent (2%) of three-fourths of the face value."

Senator Aikin moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—14

Aikin	Hardeman
Ashley	Jones
Bell	Lane
Bracewell	Lock
Carney	Moffett
Colson	Strauss
Cousins	Tynan

Nays—15

Bullock	McDonald
Corbin	Moore
Harris	Nokes
Hazlewood	Phillips
Hudson	Proffer
Kelly of Tarrant	Shofner
Kelley of Hidalgo	Vick
Martin	

Absent

Weinert

Absent—Excused

Morris

Question—Shall the amendment be adopted?

Presentation and Acceptance of Portrait of Mrs. Lipscomb Norvell

At 11:00 o'clock a.m., the President pro tempore announced the arrival of the hour for the presentation to the Senate of a portrait painting of Mrs. Lipscomb Norvell, in accordance with the provisions of Senate Resolution No. 15, adopted on Tuesday, February 7, 1950.

Upon invitation of the President pro tempore, Senator Cousins occupied the Chair.

The Governor, Mrs. Lipscomb Norvell, Mrs. Wallace Livesay and other guests were announced at the entrance to the Senate and were escorted to the President's rostrum and to seats prepared for them at the bar of the Senate by Senators Colson and Bracewell.

The Presiding Officer (Senator Cousins), presented Mrs. Livesay who presented the portrait painting of Mrs. Norvell to the Senate.

Governor Shivers then addressed the Senate and formally accepted, for the State, the portrait of Mrs. Norvell.

The Presiding Officer (Senator Cousins), then presented Mrs. Norvell, who addressed the Senate in acknowledgement of the honor bestowed upon her.

At Ease

At 11:15 o'clock a.m., the President pro tempore announced that the Senate would stand at ease until 11:20 o'clock a.m. today.

The President pro tempore called the Senate to order at 11:20 o'clock a.m.

House Bill 2 on Passage to Third Reading

The Senate resumed consideration of pending business same being H. B. No. 2 on passage to third reading with an amendment by Senator Martin pending.

Question—Shall the amendment be adopted?

The amendment was lost by the following vote:

Yeas—13

Bullock	McDonald
Corbin	Moore
Harris	Nokes
Hazlewood	Phillips
Hudson	Proffer
Kelley of Hidalgo	Vick
Martin	

Nays—16

Aikin	Jones
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Carney	Moffett
Colson	Shofner
Cousins	Strauss
Hardeman	Tynan

Absent

Weinert

Absent—Excused

Morris

Senator Moore offered the following amendment to the bill:

Amend House Bill No. 2 by striking out all of Sec. 8.

Question—Shall the amendment be adopted?

Senate Resolution 41

Senator Moore offered the following resolution:

Whereas, We are honored today by having the senior class of the Giddings High School accompanied by their sponsor, Miss Bess Black; and,

Whereas, This fine class of young American citizens are present in the Senate gallery and are endeavoring to study and learn first-hand the workings of their government; now, therefore, be it

Resolved, That we recognize this class and commend them and their sponsor for their interest, and that a copy of this resolution properly enrolled and bearing the official seal of the Senate, be mailed to the class sponsor for the benefit of the class.

The resolution was read and was adopted.

Senate Resolution 42

Senator McDonald offered the following resolution:

Whereas, The Hon. T. C. Chaddick

of Quitman, Texas, is a visitor in our capital city, and

Whereas, The said T. C. Chaddick served the people of the 7th Senatorial District with honor and distinction, and

Whereas, The members of the Senate would enjoy having him again in their midst; now, therefore, be it

Resolved, That the State Senate welcome the said T. C. Chaddick to our midst and that he be granted the privilege of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 43

Senator Harris offered the following resolution:

Whereas, There is in Austin, Texas, today two distinguished personalities of the great American sport, namely baseball, and

Whereas, One of the personages was honored today by the Governor of Texas, receiving a scroll designating him as an Honorary Texan, and

Whereas, The other distinguished visitor has meant much to the beloved sport in our State, being owner of the Dallas Eagles of the Texas League; now, therefore, be it

Resolved, That the Senate of Texas invite the Honorable R. W. (Dick) Burnett and Charlie Grimm, owner and manager, respectively, of the Dallas Eagles, to briefly address the Senate of Texas.

The resolution was read and was adopted.

Accordingly Mr. R. W. Burnett and Mr. Charlie Grimm were escorted to the President's stand by Senator Harris.

The President pro tempore then presented Senator Harris who introduced Mr. Burnett to the Senate.

Mr. Burnett then addressed the Senate briefly.

Senator Harris then presented Mr. Charlie Grimm who also addressed the Senate and thanked the members of the Senate for the honor bestowed upon him.

At the conclusion of the address by Mr. Grimm, Senator Harris presented Honorable John Ben Shepperd, Secretary of State, Mr. Garvis Norwood

and Mr. Billy Bob Crim to the Senate.

Resolutions Signed

The President pro tempore signed, in the presence of the Senate, after giving due notice thereof, the following resolutions:

S. C. R. No. 11, In memory of Hon. Irby Dunklin.

H. C. R. No. 10, In memory of the Honorable Beauford H. Jester.

H. C. R. No. 8, Requesting the Comptroller to submit reasons for his estimates relative to the Eleemosynary Institutions.

Reports of Standing Committee

By unanimous consent, Senator Lane submitted the following reports:

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 4, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 6, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 15, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be not printed.

LANE, Chairman.

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 8, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be not printed.

LANE, Chairman.

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 9, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 9, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 7, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 11, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Senate Concurrent Resolution 12

Senator McDonald, by unanimous consent, offered the following resolution:

S. C. R. No. 12, Granting Andy Dean et al. permission to sue the State.

Whereas, In Cause No. 4089 in the Special District Court of Smith County, Texas, which is now the 114th Judicial Court, a tax suit was brought by the State of Texas; and

Whereas, State delinquent taxes were collected on certain real property in Smith County, Texas, for the years 1928 to 1938, inclusive; and

Whereas, Andy Dean, Marsh Dean, R. L. Williams, B. W. Williams, Jimmie Williams, D. W. Williams, Travis Williams, Leatha Williams Jones and husband, J. B. Jones; Ima Williams Davis and husband, J. W. Davis; Eris Williams Powers and husband, Laython Powers; Hazel Williams Mangrum and husband, Curtis Mangrum; Rosa Albright and husband, W. A. Albright; William Sherman, Florell Jackson, a widow; Ethel Harris and husband, C. A. Harris; Ed Dean; George Dean; Marvin Taylor; Bernice Gray; Annie Mae Collier and husband, Charlie Collier; and Maude S. Taylor have instituted suit on September 13, 1949 in Cause No. 17,825-A, styled Andy Dean, et al., plaintiffs, v. J. E. Cooper, et al., defendants; and

Whereas, Said suit is one in trespass to try title and in the alternative for setting aside the aforementioned judgment in Cause No. 4089; and

Whereas, The State of Texas is a necessary party in the present suit; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the above named plaintiffs in Cause No. 17,825-A be hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Smith County, Texas, for the purpose of setting aside the aforementioned tax judgment and that service of citation or any other necessary process shall be had upon the Attorney General of Texas and the same shall have the same force and effect as made and provided in civil suits and that either of the parties to said suit shall have the right of appeal, and it is so resolved. It is further

Resolved, That the passage of this

resolution shall not be construed as an admission of any degree of liability on the part of the State of Texas.

The resolution was read and referred to the Committee on Civil Jurisprudence.

Recess

On motion of Senator Aikin, the Senate at 12:00 o'clock m., took recess to 2:00 o'clock p.m. today.

AFTERNOON SESSION

The Senate met at 2:00 o'clock p.m. and was called to order by the President pro tempore.

House Bill 2 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 2, on its passage to third reading with an amendment by Senator Moore pending.

Question—Shall the amendment be adopted?

Senator Aikin moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—22

Aikin	Lane
Bell	Lock
Bracewell	Moffett
Carney	Nokes
Colson	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—8

Ashley	Hudson
Bullock	Martin
Corbin	McDonald
Hazlewood	Moore

Absent—Excused

Morris

Senator Cousins offered the following amendment to the bill:

Amend H. B. No. 2, page 4, between

lines 14 and 15 by adding a new section to read as follows:

"Section 2a. A tax of 20% of the sale price is hereby imposed upon all cigars, cheroots, stogies or little cigars, same being any roll of tobacco or substitute thereof. Such tax shall be paid on the 'first sale' as defined in the cigaret tax, being defined elsewhere herein. Tax is to be paid by the purchase of stamps from the Treasurer as described in the cigarette tax, but such stamp to be affixed onto the cigar box or container and shall be equal to the tax for all cigars within the box, not to exceed 100 cigars per box. The other rules, regulations and directions contained in the cigarette tax described herein shall apply to the cigar tax where applicable and the revenue resulting from this cigar tax shall be paid into and become a part of the funds from the cigarette tax."

Senator Aikin moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—16

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moore
Carney	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Jones	Weinert

Nays—12

Bullock	Kelly of Tarrant
Corbin	Martin
Cousins	Nokes
Harris	Phillips
Hudson	Proffer
Kelley of Hidalgo	Vick

Absent

Colson	Moffett
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Absent—Excused

Morris

Senator Bullock offered the following amendment to the bill:

Amend H. B. No. 2, section 5, line 18, page 18, by striking out the figures 1957 and inserting in lieu thereof the figures 1951.

Senator Aikin moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Nokes
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—5

Bullock	Martin
Harris	Vick
Hudson	

Absent—Excused

Morris

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 2, page 10, by adding the following in line 6:

Provided however, the fees paid to an architect shall not exceed 6% for the plans, specifications and supervisions of said buildings and all contracts made for and the final acceptance in connection with such construction other than the plans and specifications, shall be subject to the review and approval of the Board of Control.

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H. B. No. 2 was passed to third reading by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Tynan
Hazlewood	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—5

Bullock	Martin
Hudson	Nokes
Kelly of Tarrant	

Absent—Excused

Morris

House Bill 2 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Nokes
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Lane	

Nays—3

Bullock	Kelly of Tarrant
Hudson	

Absent—Excused

Morris

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Kelley of Hidalgo
Ashley	Lane
Bell	Lock
Bracewell	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Tynan
Hazlewood	Vick
Jones	Weinert

Nays—5

Bullock	McDonald
Kelly of Tarrant	Nokes
Martin	

Paired

Senator Hudson (present), who would vote "nay" with Senator Morris (absent), who would vote "yea."

Reasons For Vote

I have made every effort to persuade the Senate that to single out any class of citizens and saddle on them a 60 million dollar sales tax burden violates the Constitutional guaranty that taxes shall be equal and uniform.

It is not that I oppose a tax on cigarettes; it is that I was thoroughly in accord with the original statement by the Governor of Texas that the tax burden should be spread equally.

The Senate has seen fit to disagree with every amendment I offered to achieve this equality: amendments proposing to increase the tax, equally, on the rich natural resources—oil, gas, sulphur, carbon black; on utilities; and on the other luxuries such as liquor, beer, wine, ale, cosmetics, and playing cards, which are in exactly the same category as cigarettes. Although I thoroughly favor the building program of our State Hospitals and Special Schools, I am voting against this bill, because in all good conscience, I cannot now yield to the intense pressure and change my position. Such an about-face not only would not represent my considered opinion of what is right, but would also hamstring the fight which I propose to make on this Senate floor at my next opportunity; a fight that we in Texas return to the principles of taxation which our forefathers laid down: The principles of equality and uniformity in all tax burdens.

NOKES

My reason for voting against this cigarette tax bill is not occasioned by any opposition to the program of improving our eleemosynary institutions. I feel that it is a direct sales tax on the people of the State of Texas and that the taxes we are attempting to raise could more appropriately be raised by a tax on our many natural resources.

McDONALD

My reason for voting "nay" in pas-

sage of H. B. No. 2, is not occasioned by any opposition to the program of improving our eleemosynary institutions, but I feel that a single shot sales tax is not necessary. I believe that the money should be raised by a broad base tax.

MARTIN

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President pro tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 12, Granting Mrs. Jeff West, feme sole, permission to sue the State of Texas.

H. C. R. No. 20, Granting Mrs. E. C. Henderson permission to sue the State of Texas.

H. C. R. No. 21, Granting Mrs. V. O. Matthews of Beaumont, Texas, permission to sue the State of Texas.

H. C. R. No. 23, Providing for acceptance by the First Special Session of the Fifty-first Legislature for the State of Texas of an oil portrait of the late Colonel John W. Thomason, Jr.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Executive Session

On motion of Senator Strauss and by unanimous consent, the Senate at 2:50 o'clock p.m., agreed to hold an executive session immediately.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following nominations of the Governor had been confirmed by the Senate:

To be District Attorney of the 104th Judicial District, to fill the unexpired term of Esco Walter, resigned, John

A. Willoughby of Stamford, Jones County.

To be Branch Pilot for the Sabine Bar, Pass and Tributaries for two-year term to expire February 9, 1952, Captain Bert Jackson of Jefferson County.

To be Branch Pilot for the Galveston Bar and Houston Ship Channel for two-year term to expire February 3, 1952, Captain N. J. Morina of Harris County.

To be a member of the Industrial Accident Board to succeed Mr. Flewellen as employer member, term to expire September 1, 1951, Elwood Hall of Austin, Travis County.

To be members of the Texas Real Estate Commission:

For 6-year terms to expire October 5, 1955:

George Sandlin of Austin, Travis County; Ted Logan of San Angelo, Tom Green County.

For 4-year terms to expire October 5, 1953:

J. C. Culpepper of College Station, Brazos County; Robert Hawley of Texarkana, Bowie County.

For 2-year terms to expire October 5, 1951:

Harvey Draper of Houston, Harris County; James I. Ruhmann of Kenedy, Karnes County.

To be member of the Teacher Retirement Board of Trustees for a 6-year term to expire August 31, 1955, Allen H. Hughey of El Paso, El Paso County.

In Legislative Session

The President pro tempore called the Senate to order as in legislative session at 3:30 o'clock p.m. today.

Report of Standing Committee

By unanimous consent, Senator Lane submitted the following report:

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President pro tempore of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred S. C. R. No. 12, have had the same under consideration. and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE,
Chairman

House Concurrent Resolution 9

On motion of Senator Bell and by unanimous consent the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 9, Granting C. E. Stubblefield and Roy F. Stubblefield permission to sue the State.

The resolution was read and was adopted.

Senate Concurrent Resolution 9

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

S. C. R. No. 9, Granting Trinity County Lumber Co., et al., permission to sue the State.

The resolution was read and was adopted.

Senate Concurrent Resolution 6

On motion of Senator McDonald and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 6, Granting Rosa Keefe permission to sue the State.

The resolution was read and was adopted.

House Concurrent Resolution 23

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 23, Providing for acceptance of a portrait of Colonel John W. Thomason, Jr.

The resolution was read and was adopted.

Senate Concurrent Resolution 8

On motion of Senator Jones and by unanimous consent, the regular order

of business was suspended to take up for consideration at this time:

S. C. R. No. 8, Granting Charles C. Telford, permission to sue the State.

The resolution was read.

Senator Hardeman offered the following committee amendment to the bill:

Amend S. C. R. No. 8, by striking out the following words beginning on line 29, page 2, and ending in line 1, page 3:

"except the defense of non-liability on the part of a sovereign to be held liable for the torts of its officers, agents and employees, and the State of Texas through its Legislature hereby waives such right."

The committee amendment was adopted.

The resolution as amended was then adopted.

Senate Concurrent Resolution 12

On motion of Senator McDonald, and by unanimous consent, the regular order was suspended to take up for consideration:

S. C. R. No. 12, Granting Andy Dean, et al., permission to sue the State.

The resolution was read and was adopted.

House Resolutions on First Reading

The following resolutions, received from the House today, were laid before the Senate, read and referred to the committees indicated:

H. C. R. No. 12, To the Committee on Civil Jurisprudence.

H. C. R. No. 20, To the Committee on Civil Jurisprudence.

H. C. R. No. 21, To the Committee on Civil Jurisprudence.

House Concurrent Resolution 19

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 19, Commending Judge Harold R. Medina relative to the trial of Communists.

The resolution was read and was adopted.

Report of Standing Committee

Senator Lane, by unanimous consent, submitted the following report:

Austin, Texas,
February 21, 1950.

Hon. Grady Hazlewood, President pro tempore of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 20, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE,
Chairman

House Concurrent Resolution 20

On motion of Senator Carney and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

H. C. R. No. 20, Granting Mrs. E. C. Henderson permission to sue the State.

The resolution was read and was adopted.

House Concurrent Resolution 16

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

H. C. R. No. 16, Commending the Texas ex-students for their spirit in continuing the March 2nd celebration.

The resolution was read and was adopted.

House Concurrent Resolution 5

Senator Harris asked unanimous consent to suspend the regular order of business to take up H. C. R. No. 5 for consideration at this time.

The President pro tempore announced that there was objection.

Senator Harris then moved to suspend the necessary Senate rules and the regular order of business to take up H. C. R. No. 5, for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Colson	Moffett
Corbin	Nokes
Hardeman	Proffer
Harris	Tynan
Hazlewood	Weinert

Nays—3

Hudson	Phillips
Jones	

Absent

Ashley	Moore
Carney	Shofner
Cousins	Strauss
Kelley of Hidalgo	Vick
McDonald	

Absent—Excused

Morris

The President pro tempore then laid before the Senate for consideration at this time:

H. C. R. No. 5, Suggesting to the President of the United States that he request the resignation of the Secretary of State.

The resolution was read and was adopted by the following vote:

Yeas—21

Aikin	Hudson
Ashley	Jones
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Colson	Martin
Corbin	Moffett
Cousins	Nokes
Hardeman	Proffer
Harris	Weinert
Hazlewood	

Nays—3

Carney	Tynan
Phillips	

Absent

Kelley of Hidalgo	Shofner
McDonald	Strauss
Moore	Vick

Absent—Excused

Morris

Recess

On motion of Senator Hardeman, the Senate at 4:05 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

In Memory of
C. B. Welhausen

(Senate Resolution 44)

Senator Strauss offered the following resolution:

Whereas, On October 15th, 1949, Almighty God in His Infinite Wisdom, called from this life C. B. Welhausen of Shiner, Lavaca County, Texas; and

Whereas, Mr. Welhausen was born on May 17th, 1871, and attained the age of 78 years; and

Whereas, he was a graduate of Texas A.&M. College, Class of 1891; and

Whereas, He had for 59 years been engaged in the banking and general mercantile business, was a member of the Sons of the Republic of Texas, Chairman of the Board of Tex-Tan of Yoakum, Shiner Volunteer Fire Department, O.D.H.S. Lodge, Chamber of Commerce, Business Men's Club, was a former Mayor of Shiner and was recognized as an outstanding leader in the Commercial, Educational, Religious and Civic life of the Community where he lived; and

Whereas, He is survived by two sons, Carl C. Welhausen of Yoakum and Ray Welhausen of Shiner, and one brother, Peck Welhausen of Shiner; now, therefore, be it

Resolved, By the Senate of Texas, that we pay tribute to the memory of this fine citizen and extend our sincere sympathy to the surviving members of his family, that a copy of this resolution be printed in the Journal and copies be mailed to each member of the family and that when the Senate adjourns today, it do so in memory of C. B. Welhausen.

STRAUSS

Signed—Grady Hazlewood, President pro tempore, Aikin, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Nokes, Phillips, Proffer, Shofner, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Bell, the names of the President pro tempore and of all of the Senators were added to the resolution as signers thereof.

The resolution was adopted.